

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN' DIVISION

DALLAS BUYERS CLUB, LLC,

Plaintiff,

Case No. 1:14cv453

v.

Hon. Robert J. Jonker

UNKNOWN PARTIES,
named as Does 1-25,

Defendants.

ORDER TO SHOW CAUSE

On April 25, 2014, Plaintiff filed a Complaint that is currently pending before this Court against a series of unnamed "Does 1-25" defendants, seeking damages and injunctive relief for copyright infringement under the Copyright Laws of the United States (17 U.S.C. § 101 et seq.). Plaintiff alleges the action involves unauthorized acquisition and transfer of the copyrighted motion picture the "Dallas Buyers Club" by Defendants and that each defendant is liable for copyright infringement for illegally downloading the copyrighted movie. Each "Does 1-25" defendant corresponds to an internet protocol ("IP") address associated with the alleged use of BitTorrent file-sharing software to engage in copyright infringement of Plaintiff's works. Plaintiff alleges that joinder of these defendants is proper in a single action based on each defendant's use of BitTorrent to copy and redistribute the constituent elements of the copyrighted works through the BitTorrent network of users.

After reviewing the Complaint, the Court Orders Plaintiff to show cause as to why all but the first "Doe" in each action should not be dismissed from the case without prejudice to Plaintiff's ability to re-file complaints against the remaining defendants in separate actions. As Plaintiff is certainly aware from its litigation of similar cases throughout the country, courts "are divided over

whether joinder is proper in cases where defendants have allegedly swapped files via BitTorrent.” *Malibu Media, LLC v. Does 1–34*, No. 12-1195, 2012 WL 1792979, at *1 (D. Md. 2012); *see also*, e.g., *Cinetel Films, Inc. v. Does 1–1,052*, No. 8:11-cv-02438, 2012 WL 1142272, at *4 (D. Md. Apr. 4, 2012) (summarizing split of district court authority on joinder issue and holding joinder of John Doe defendants was improper under Rule 20(a)). The Court is particularly concerned that Plaintiff’s Complaint has failed to allege that any defendant directly shared allegedly infringing files (or components thereof) directly with other defendants, and that this lack of a common transaction or occurrence makes joinder improper at this time. Plaintiff shall file a brief with the Court no later than **May 31, 2014**, that addresses the joinder issue.

IT IS SO ORDERED.

/s/Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: May 14, 2014